

1 OCCUPATIONAL LICENSING REQUIREMENT AMENDMENTS

2 2018 GENERAL SESSION

3 STATE OF UTAH

4

5 LONG TITLE

6 General Description:

7 This bill modifies the Division of Occupational and Professional Licensing Act.

8 Highlighted Provisions:

9 This bill:

- 10 ▶ requires the Division of Occupational and Professional Licensing (DOPL) and the
- 11 board of each profession that has a time-based licensing requirement to report to the
- 12 division director about the feasibility of creating a process to waive the time-based
- 13 licensing requirement for an applicant who has obtained the skill and knowledge
- 14 equivalent to having completed the requirement; and
- 15 ▶ makes technical changes.

16 Money Appropriated in this Bill:

17 None

18 Other Special Clauses:

19 None

20 Utah Code Sections Affected:

21 AMENDS:

22 58-1-301, as last amended by Laws of Utah 2013, Chapter 426

23

24 *Be it enacted by the Legislature of the state of Utah:*

25 Section 1. Section 58-1-301 is amended to read:

26 58-1-301. License application -- Licensing procedure.

27 (1) (a) Each license applicant shall apply to the division in writing upon forms
28 available from the division.

29 (b) Each completed application shall:

30 (i) contain documentation of the particular qualifications required of the applicant[;
31 ~~shall~~];

32 (ii) include the applicant's social security number[~~; shall~~];

33 (iii) be verified by the applicant~~;~~; and ~~shall~~

34 (iv) be accompanied by the appropriate fees.

35 ~~(b)~~ (c) An applicant's social security number is a private record under Subsection
36 63G-2-302(1)(i).

37 (2) (a) ~~[A license shall be issued]~~ The division shall issue a license to an applicant who
38 submits a complete application if the division determines that the applicant meets the
39 qualifications of licensure.

40 (b) ~~[A written notice of additional proceedings shall be provided]~~ The division shall
41 provide a written notice of additional proceedings to an applicant who submits a complete
42 application, but who has been, is, or will be placed under investigation by the division for
43 conduct directly bearing upon the applicant's qualifications for licensure, if the outcome of
44 additional proceedings is required to determine the division's response to the application.

45 (c) ~~[A written notice of denial of licensure shall be provided]~~ The division shall
46 provide a written notice of denial of licensure to an applicant who submits a complete
47 application if the division determines that the applicant does not meet the qualifications of
48 licensure.

49 (d) ~~[A written notice of incomplete application and conditional denial of licensure shall~~
50 ~~be provided]~~ The division shall provide a written notice of incomplete application and
51 conditional denial of licensure to an applicant who submits an incomplete application~~[-This]~~,
52 which notice shall advise the applicant that the application is incomplete and that the
53 application is denied, unless the applicant corrects the deficiencies within the time period
54 specified in the notice and otherwise meets all qualifications for licensure.

55 (3) Before ~~[any person is issued]~~ the division issues a license to a person under this
56 title, ~~[a]~~ the requirements for that license as established under this title and by rule shall be
57 met.

58 (4) If an applicant meets all requirements ~~[are met]~~ for ~~[the]~~ a specific license, the
59 division shall issue the license to the applicant.

60 (5) (a) As used in this Subsection (5), "time-based licensing requirement" means a
61 specific number of hours, weeks, months, or years of education, training, supervised training,
62 or other experience that an applicant for licensure is required to complete before receiving a
63 license under this title.

64 (b) "Time-based licensing requirement" does not include an associate degree, a
65 bachelor's degree, or a graduate degree from an accredited institution of higher education.

66 (c) For each occupation regulated by this title that has a time-based licensing
67 requirement, the division shall consult with the appropriate board and the board shall report to
68 the director:

69 (i) whether there is an existing process to allow an applicant who has obtained the skill
70 and knowledge equivalent to having met the time-based licensing requirement to obtain a
71 license without meeting the time-based licensing requirement and if that process could be made
72 more reasonable and fair to the applicant;

73 (ii) whether it is feasible to establish a process to allow an applicant who has obtained
74 the skill and knowledge equivalent to having met the time-based licensing requirement to
75 obtain a license without meeting the time-based licensing requirement and what steps would
76 need to be taken to provide such a process, if there is not such a process currently available for
77 the applicant; and

78 (iii) if it is not feasible to establish a process to allow an applicant who has obtained
79 the skill and knowledge equivalent to having met the time-based licensing requirement to
80 obtain a license without meeting the time-based licensing requirement, the specific reasons that
81 prevent such a process from being feasible.